

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
v. : Criminal Action No. 99-033-2-JJF
:
: Civil Action No. 03-029-JJF
LEROY COLEY, :
:
Defendant. :
:

O R D E R

At Wilmington, this 6 day of May 2005, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Defendant's Motion For Expansion Of Record Supplement To [sic] 28 U.S.C. § 2255 (D.I. 264) is DENIED AS MOOT.

2. Defendant's Motion For Modification Of Sentence Pursuant To 18 U.S.C. § 3582(c) (D.I. 267) is DENIED.

3. Defendant's Motion To Amend Motion To Correct Sentence Rule 60(b) (D.I. 271); Motion To Amend 60(b), (4), (5), (6) (D.I. 272); and Motion To Amend 60(b)(4), (5), (6) (D.I. 286) are GRANTED.

4. Defendant's Motion To Correct Sentence Pursuant To Rule 60(b) (D.I. 266) and Motion To Correct Sentence Pursuant To Rule 60(b) Title 28 U.S.C. [sic] (D.I. 270) are DENIED.

5. In the alternative, Defendant's Motion To Correct Sentence Pursuant To Rule 60(b) (D.I. 266) and Motion To Correct

Sentence Pursuant To Rule 60(b) Title 28 U.S.C. [sic] (D.I. 270) are recharacterized as second or successive Section 2255 motions and DISMISSED for lack of jurisdiction, and the relief requested in those motions is DENIED.

6. Defendant has failed to make a "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and therefore, a certificate of appealability is DENIED. See United States v. Eyer, 113 F.3d 470 (3d Cir. 1997); Third Cir. Local Appellate Rule 22.2 (2000).


UNITED STATES DISTRICT JUDGE